

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Basim Sabri, Marty Schulenberg,
Mohamed Cali, Jay Webb, and
Zachary Metoyer,

Court File No. 15-cv-01578 (ADM/SER)

Plaintiffs,

AFFIDAVIT OF ROBERT COOPER

vs.

Whittier Alliance, a Minnesota not-for-
profit corporation, and City of Minneapolis,
a municipal corporation,

Defendants.

STATE OF MINNESOTA)
)SS
COUNTY OF HENNEPIN)

Robert Cooper, being first duly sworn, states and alleges as follows:

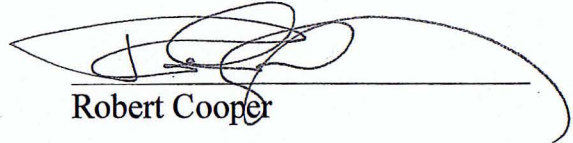
1. I am the Senior NRP/Citizen Participation Specialist for the City of Minneapolis. I make this affidavit upon my personal knowledge and belief.


2. Attached as Exhibit A is a true and correct copy of the March 10, 2014, correspondence from Borenstein and McVeigh Law Office to Erica Christ, Chair of the Board of Directors of Whittier Alliance, as provided to me by Whittier Alliance.

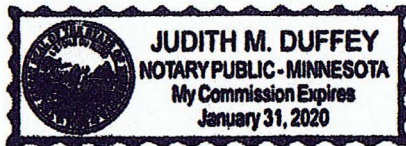
3. Attached as Exhibit B is a true and correct copy of the Whittier Alliance Board of Directors Candidate Registration Form, as provided to me by Whittier Alliance.

FURTHER your Affiant sayeth naught.

Subscribed and sworn to
before me this 31st day
of March, 2015.


Robert Cooper


Notary Public
My Commission expires:



Borenstein and McVeigh Law Office

3836 Lyndale Avenue S. Minneapolis, MN 55408
612.822.2677 (phone) 612.822.2626 (fax)

March 10, 2014

Ms. Erica Christ
Chair, Board of Directors
Whittier Alliance
10 E. 25th St.
Minneapolis, MN 55404

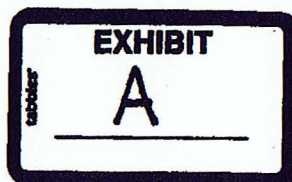
Dear Ms. Christ:

Our office has been requested by Marian Biehn, Executive Director of Whittier Alliance ("WA"), to provide legal advice regarding certain practices followed by Whittier Alliance in respect of its Board elections, including the application process for Board candidates. This letter responds to that request.

Ms. Biehn has forwarded to us a copy of the application posted by WA for those who are interested in being considered for election to a position on the Board of Directors of WA in 2014. The annual meeting at which members will elect Board members is scheduled for March 27, 2014, and the application states that candidates must submit their applications no later than noon, Friday, March 7, 2014. The application requests information about the nature of the interest of the candidate in serving on the Board; the experience/skills of the candidate that would be an asset to WA; the experience of the candidate with participating in WA activities; and other pertinent information. Above the signature line for the candidate, this statement appears: "I have read and understand the Whittier Alliance Board of Directors job description and responsibilities. I have participated in Whittier committees or volunteered for neighborhood activities on a regular basis. I give my permission to the Whittier Alliance to display this registration form at the Annual Meeting."

The candidate's application must be "verified" by WA staff; that is, staff must confirm that the applicant is a member of WA. Certain of the membership criteria are stated below the signature line of the application, e.g. residence, business ownership or property ownership in Whittier neighborhood. The Bylaws of the organization, Article III, Section 1, provide additional membership criteria: members must be 18 years of age or older; must support the aims and purposes of the corporation; and must agree to abide by its Articles of Incorporation and Bylaws.

Questions have been raised by individuals in the Whittier community whether the application process for Board positions at WA has unfairly excluded certain community members from

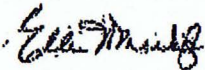


The application for Board candidacy specifically requests information about the candidate's participation in WA activities, as well as other information about the nature of the candidate's interest in and preparation for a role on the Board of Directors. The job description mentions that a Board member should have "a history attending either the Business Assn. or the Community Issues meetings, helping with the Strategic Planning Task forces" as initial participation sufficient to introduce the candidate to the issues that are under consideration by WA. While the statement above the candidate's signature only states that the candidate has "participated in Whittier committees or volunteered for neighborhood activities on a regular basis," the application as a whole and the job description make clear that WA expects that Board candidates will have actively participated in WA meetings and/or task forces as a condition precedent to Board membership.

The WA Board also has the authority to set a deadline for applications, and it did so by specifying that applications must be completed and returned to the WA office by noon on March 7, 2014. Part of the application form is the "verification" by a WA staff member (at the bottom of page 2) that the candidate is a member of the organization. The Board is within its authority to delegate to its staff the responsibility to initially screen applications for membership eligibility. The Board is also within its authority to determine that, if an application has not been verified by staff by noon on March 7, 2014, the application is not complete and therefore not eligible for further consideration when the Board meets to finalize the slate of directors on March 13, 2014.

Because of the concerns expressed by some members of the community about the application process, the Board may want to consider, prior to its review of individual applications for the Board, whether the application process, including the criteria the Board has established for Board membership and its process for verifying Board eligibility, should be modified in advance of this month's membership meeting. Eve Borenstein of our office will be at your March 13, 2014 meeting to answer questions in this regard. However, in our opinion, the process followed by WA with respect to the application process for Board candidates has been within the scope of authority of the Board of Directors and in line with Minnesota law governing nonprofit corporations.

Sincerely,
BORENSTEIN AND MCVEIGH LAW OFFICE LLC



By: Ellen W. McVeigh

DESCRIBE HOW YOU HAVE PARTICIPATED IN THE WHITTIER ALLIANCE (volunteering, regular committee attendance, task force participation, etc.):

WHAT ELSE WOULD YOU LIKE TO TELL US ABOUT YOURSELF?

I have read and understand the Whittier Alliance Board of Directors job description and responsibilities. I have participated in Whittier committees or volunteered for neighborhood activities on a regular basis. I give my permission to the Whittier Alliance to display this registration form at the Annual Meeting.

SIGNATURE

DATE

Members of the Whittier Alliance are eligible for board positions. YOU ARE A MEMBER OF THE WHITTIER ALLIANCE IF YOU...

...are a resident of, or

...own a business in or are the appointed representative of a business in, or

...own property in ...THE WHITTIER NEIGHBORHOOD.

Whittier staff use only:

PROOF OF ELIGIBILITY HAS BEEN PROVIDED

DATE

VERIFIED BY

TYPE